

NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION  
CODE OF ADMINISTRATIVE RULES

Chapter:         Puc-1300        

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### CHAPTER Puc 1300 LOCAL TELECOMMUNICATIONS COMPETITION

#### PART Puc 1301 PURPOSE AND APPLICATION OF RULES

Puc 1301.01 Purpose. The purpose of this chapter is to prescribe rules to foster the growth of competition in local telecommunications markets pursuant to the legislative direction in Laws of 1995, Chapter 147:1.

Source. #6392, eff 12-4-96

Puc 1301.02 Application. These rules shall apply to CLECs and ILECs, except to the extent that they are inconsistent with the Telecommunications Act of 1996.

Source. #6392, eff 12-4-96

#### PART Puc 1302 DEFINITIONS

Puc 1302.01 "Basic service" means minimum telecommunications service, as described in Puc 1306.01(a).

Source. #6392, eff 12-4-96

Puc 1302.02 "Commission" means the New Hampshire public utilities commission.

Source. #6392, eff 12-4-96

Puc 1302.03 "Competitive Local Exchange Carrier (CLEC)" means a telecommunications carrier, and its successors and assigns, authorized by the commission after July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in a particular area an ILEC was authorized to serve prior to July 23, 1995.

Source. #6392, eff 12-4-96

Puc 1302.04 "FCC" means the Federal Communications Commission.

Source. #6392, eff 12-4-96

Puc 1302.05 "Facilities-based CLECs" means CLECs which own, control, operate, or manage conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances in connection with or to facilitate telecommunications.

Source. #6392, eff 12-4-96

Puc 1302.06 "Interconnection" means the linking of two networks for the mutual exchange of traffic, excluding the transport and termination of traffic.

Source. #6392, eff 12-4-96

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Puc 1302.07 "Interim number portability" means the technology utilized and measures taken by the CLEC or ILEC to imitate number portability.

Source. #6392, eff 12-4-96

Puc 1302.08 "Incumbent local exchange carrier (ILEC)" means a telecommunications carrier, and its successors and assigns, authorized under law or by the commission before July 23, 1995, the effective date of RSA 374:22-f, to provide basic service in the particular area for which it was authorized to provide service prior to July 23, 1995.

Source. #6392, eff 12-4-96

Puc 1302.09 "LATA" means Local Access Transport Area which, in New Hampshire means the entire state.

Source. #6392, eff 12-4-96

Puc 1302.10 "Loop" means a transmission path capable of transporting telecommunications signals between the network interface at a customer's premises and a point in a wire center.

Source. #6392, eff 12-4-96

Puc 1302.11 "Network element" means a facility or equipment used in the provision of a telecommunications service, including features, functions and capabilities such as subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

Source. #6392, eff 12-4-96

Puc 1302.12 "Non-facilities-based CLECs" means CLECs which do not own, control, operate or manage conduits, ducts, poles, wires, cables, instruments, switches, appurtenances, or appliances in connection with or to facilitate telecommunications.

Source. #6392, eff 12-4-96

Puc 1302.13 "Non-directory listed" means not printed in a telephone directory.

Source. #6392, eff 12-4-96

Puc 1302.14 "Non-discriminatory" means that no undue or unreasonable preference or undue or unreasonable prejudice is provided to any carrier including itself or its affiliates.

Source. #6392, eff 12-4-96

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Puc 1302.15 "Non-published" means not printed in a telephone directory and not available through directory assistance.

Source. #6392, eff 12-4-96

Puc 1302.16 "Number portability" means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability or convenience when switching from one telecommunications carrier to another.

Source. #6392, eff 12-4-96

Puc 1302.17 "Port" means a mechanism allowing access to switching functions, including but not limited to dial tone generation and the origination and termination of both local and interexchange calls.

Source. #6392, eff 12-4-96

Puc 1302.18 "Telecommunications Act of 1996" means the Telecommunications Act of 1996 and rules promulgated by the FCC pursuant thereto.

Source. #6392, eff 12-4-96

Puc 1302.19 "Telecommunications Relay Service (TRS)" means a service that enables telephone communication between hearing people and people who are deaf, hard of hearing or speech impaired.

Source. #6392, eff 12-4-96

Puc 1302.20 "Unbundle" means to disaggregate telecommunications services into network elements at any technically feasible point so that functions, features, and capabilities can be purchased separately, pursuant to the Telecommunications Act of 1996.

Source. #6392, eff 12-4-96

### PART Puc 1303 MUTUAL EXCLUSIVITY

Puc 1303.01 Specific Terms. For the purpose of this chapter, the terms CLEC and ILEC shall not be mutually exclusive.

Source. #6392, eff 12-4-96

### PART Puc 1304 CERTIFICATION OF CLECs

Puc 1304.01 Standards for Granting Certification.

(a) The commission shall grant certification to a CLEC upon its finding all of the following:

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- (1) That the applicant has satisfactorily provided all of the information required in Puc 1304.02 below;
  - (2) That the applicant meets the standards for financial resources, managerial qualifications, and technical competence established in (b), (e), (f) or (g) below; and
  - (3) That certification of that particular applicant in the particular geographic area requested is in the public good.
- (b) The commission shall use the following standard for determining an applicant has sufficient financial resources:
- (1) All applicants to become facilities-based-service providers shall demonstrate they possess a minimum of \$100,000 cash or other financial instrument as described in (c) below, available for the first year expenses of New Hampshire operations; and
  - (2) All applicants to become non-facilities based service providers shall demonstrate they possess a minimum of \$20,000 cash or other financial instrument as described in (c) below, available for the first year expenses of New Hampshire operations.
- (c) To satisfy the requirements of (b) above, applicants may use any of the following financial instruments, subject to review and verification by the commission:
- (1) Cash or cash equivalent, including cashier's check, or sight draft;
  - (2) Certificate of deposit or other liquid deposit with a bank or other institution;
  - (3) Irrevocable letter of credit;
  - (4) Line of credit;
  - (5) Loan; or
  - (6) Guarantee.
- (d) The requirements of (b) and (c) above shall not be intended to prescribe the credit terms which apply between carriers.
- (e) The commission shall determine whether an applicant possesses sufficient managerial qualifications on the basis of reviewing:
- (1) Brief biographies of the applicant's officers;

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(2) The history of the applicant's efforts to obtain certification in other states; and

(3) The history of the applicant's principals' efforts to obtain and retain certification in other states.

(f) The commission shall determine whether a facilities-based applicant possesses technical competence on the basis of reviewing brief biographies of the applicant's key technical management personnel commensurate with the scope of the applicant's operations.

(g) The commission shall determine whether a non-facilities based applicant possesses technical competence on the basis of the applicant's identification of the underlying carrier(s) used in providing the applicant's service.

Source. #6392, eff 12-4-96

Puc 1304.02 Procedure for Application.

(a) An applicant for certification as a CLEC shall provide the commission with the following:

(1) The names and addresses of the following:

a. The applicant;

b. The applicant's principal corporate officers; and

c. The corporate officers and other senior managerial personnel principally responsible for New Hampshire operations;

(2) Brief biographies of the applicant's key technical management personnel;

(3) Brief biographies of the applicant's officers.

(4) Information about the structure of the applicant's business organization, including the names of any and all affiliates and subsidiaries, and, if available, audited financial statements of the applicant's parent company;

(5) A copy of the New Hampshire Secretary of State's authorization to do business in New Hampshire;

(6) A US Geological Survey-based map of the geographical areas in which service will be offered;

(7) A sworn statement that the applicant agrees to adhere to all state laws and all commission policies, rules and orders; and

(8) Information describing the financial resources of the applicant, including:



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- a. A current balance sheet;
- b. A current income statement, if available; and
- c. If a current income statement is unavailable, a pro forma income statement.

(b) An applicant shall post and maintain a surety bond to cover refunds of all customer deposits, including advanced billing.

Source. #6392, eff 12-4-96

### Puc 1304.03 Requirements for Exercising Certification.

(a) A CLEC shall exercise its grant of certification by the commission no later than 2 years from the date of issuance or forfeit its authority to do so.

(b) A CLEC shall file with the commission, 10 days prior to commencing services, the following:

- (1) A rate schedule which includes the name, a description, and the price of each service;
- (2) Copies of any existing interconnection agreements in New Hampshire; and
- (3) Information regarding repair and maintenance facilities, including the name, address and telephone number of an individual responsible for repair and maintenance in New Hampshire;

(c) A CLEC which has commenced operations within its authorized area shall cease to do so only after obtaining the commission's approval.

(d) The commission shall approve a CLEC's request to cease operations upon finding that:

- (1) All the CLEC's customers have been notified of the CLEC's request to cease operations;
- (2) A period of 60 days has elapsed within which the CLEC's customers can migrate to an alternate provider; and
- (3) All the CLEC's customers have been sent refunds of any and all deposits.

(e) If a CLEC entity is merged into or acquired by another entity not approved as a CLEC in New Hampshire, the successor entity, if it seeks to provide services as a CLEC after the merger or acquisition, shall apply for and receive authorization as a CLEC pursuant to Puc 1304 prior to providing CLEC services.

(f) When a CLEC proposes to transfer or lease its franchise, works or system, or any part of such franchise, works or system, exercised or located in this state, including but not limited to a transfer or lease of the

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right to serve any customer of the CLEC, or contract for the operation of its works and system located in this state, prior to the proposed transfer or lease the CLEC shall:

- (1) Except as provided in (h) below, provide notice, pursuant to (g) below, to any affected customer of the proposed change in carrier;
- (2) Obtain authorization of the commission, pursuant to Puc 1304, for the transferee or lessee to operate as a CLEC, if not previously so authorized; and
- (3) Obtain consent of the commission, pursuant to RSA 374:30, as described in (m) below, to the transfer of all or a part of the franchise, works or system of the CLEC.

(g) In addition to any applicable requirements contained in the commission order relating to approval of the transfer and in Puc 412, the CLEC shall give notice to each affected customer regarding the proposed change in carrier, as follows:

- (1) Not less than 14 days prior to the effective date of such change, the CLEC shall provide clear and conspicuous written notice to each affected customer;
- (2) The CTP shall include in the notice required by (g)(1) above:
  - a. Notice that the CLEC shall discontinue providing CLEC services to the customer;
  - b. Notice that the customer shall select an alternate CLEC provider or the customer will be assigned to the proposed successor carrier;
  - c. Notice of the date the CLEC shall discontinue providing CLEC services to the customer;
  - d. Notice that the change in carrier shall be without charge to the customer;
  - e. A clear statement:
    1. Of any difference in the rates and/or terms and conditions of service of the CLEC and the rates and/or terms and conditions of service of the proposed successor; or
    2. That the rates and terms and conditions of service of the CLEC and the proposed successor CLEC are the same; and
  - f. The name, address and telephone number of the proposed successor or default carrier if the customer does not select an alternate carrier within the prescribed time period; and
  - g. Notice of the time period within which the customer shall make a selection of any alternate CLEC or be assigned to the default or successor carrier, if different than the date the CLEC shall cease to provide service to the affected customer;

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(3) The CLEC shall provide a copy of the notice described in (1) above to the commission at the same time notice is sent to affected customers; and

(4) Within 30 days of the effective date of the change, the CLEC shall refund to its customers any applicable amounts owed.

(h) A transfer or lease of a CLEC to another person or entity, as described in (f) above, shall require the notice described in (i) below rather than the notice set forth in (g)(1) above, when the following conditions exist:

(1) The existing CLEC, serving the customer(s) in question, will continue to exist, serving its customers under the same name;

(2) The transfer or lease will result in no change in the existing CLEC's customers' rates, terms, or conditions of service;

(3) The CLEC notifies its affected customers in writing of the transfer or lease and of the opportunity for the customer to change carriers at no extra charge;

(4) There is no interruption or diminution in the quality of service; and

(5) The CLEC does not charge any customer who selects another carrier for service in connection with the transfer or lease.

(i) When a transfer or lease of a utility franchise or portion thereof meets the requirements of (h) above the utility shall provide notice to each affected customer as follows:

(1) Each affected customer shall have the opportunity, for not less than 14 days after the date of the notice, to choose, without additional charge, another CLEC; and

(2) The name, address and telephone number of the CLEC which will provide the customer service if the customer does not make a choice by the end of the notice period.

(j) As to the written notice required to be sent to the customer describing a change in the CLEC as described in (h)(1) and (i) above,:

(1) The notice may be sent with the customer's billing statement;

(2) The notice shall be sent by the CLEC which then serves the customer, not the proposed successor provider; and

(3) The notice shall be sent separately from promotional materials relating to services proposed to be provided by the successor provider.

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(k) If the commission determines that a CLEC has not made adequate provisions for discontinuance of service or for a successor provider, the commission shall order notice to affected customers clarifying the customer's rights and obligations.

(l) A CLEC, pursuant to RSA 374:22-o and notwithstanding Puc 407.08, shall not be required to obtain prior approval from the commission for financings or corporate organizational changes including, but not limited to, the issuance or transfer of its securities or the sale, lease or other transfer of its assets, but such CLEC shall not, by virtue of this paragraph, be exempt from the requirements of RSA 374:28-a.

(m) As to any petition filed by a CLEC for approval of the commission, pursuant to RSA 374:30, to a transfer or lease of its franchise, works or system, or any part of such franchise, works or system, as referred to in (f) above, the commission shall evaluate whether the proposed transfer is in the public good and does not harm ratepayers, pursuant to the criteria contained in well-developed relevant case law.

(n) The following commission rules shall apply to CLECs:

(1) Puc 400, limited to the following sections:

- a. Puc 403.03, discontinuance of service;
- b. Puc 403.04, notice of disconnection;
- c. Puc 403.05, disconnection conference with customer;
- d. Puc 403.06, disconnection of non-residential customer;
- e. Puc 403.07, disconnection of associated services;
- f. Puc 403.08, bill forms;
- g. Puc 403.10, third party billing;
- h. Puc 412, unauthorized switching of customers or "slamming" and inclusion of unauthorized charges in billings or "cramming";
- i. Puc 404.03, operator and directory assistance answering time;
- j. Puc 404.04, dial service;
- k. Puc 404.05 (a), (b) and (c), confidentiality requirements;
- l. Puc 404.06, emergency operation;
- m. Puc 404.07 (c), (d) and (e), interruption of service;

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- n. Puc 405.01, construction and maintenance of plant equipment;
- o. Puc 405.02, grounded circuits;
- p. Puc 405.03, trunk lines;
- q. Puc 405.04 (f), (g) and (h), directories;
- r. Puc 405.05, safety instructions;
- s. Puc 405.06, accidents;
- t. Puc 405.07, commission inspections;
- u. Puc 407.01, accident reports; and
- v. Puc 407.09, Form F-22 Information Sheet.

(2) Puc 1200;

(3) Puc 200; and

(4) Puc 800.

(o) Customers who request non-published telephone numbers shall be informed by the CLEC or LEC, at the time of the request, that the caller identification line blocking option is available at no additional charge.

Source. #6392, eff 12-4-96; amd by #7283, eff 5-23-00; amd by #7692, eff 5-25-02

### PART Puc 1305 FORM OF RATE REGULATION

Puc 1305.01 Method of Rate Regulation. Traditional methods of rate regulation, which are based upon cost of service, rate base, and rate of return, shall not apply to CLECS.

Source. #6392, eff 12-4-96

### PART Puc 1306 PROVISION OF BASIC SERVICE

Puc 1306.01 Minimum Requirements of Basic Service.

(a) A CLEC and/or ILEC shall, directly or indirectly, make available to its customers all of the following as part of basic service:

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- (1) Safe and reliable single-party service;
- (2) Touch tone service;
- (3) The ability to receive all non-collect calls at telephone lines which are capable of receiving calls without additional charge;
- (4) The ability to complete calls to any other telephone line, which is capable of receiving calls, in the state;
- (5) The opportunity to presubscribe to interLATA toll carriers;
- (6) The opportunity to presubscribe to intraLATA toll carriers pursuant to the timetable set out by the commission in DE 96-090, Order No. 22,281;
- (7) Dialing parity;
- (8) Enhanced 911, pursuant to the requirements of the bureau of emergency communications or its successor agency;
- (9) Statewide directory assistance;
- (10) Telecommunications Relay Service (TRS), pursuant to (b) below;
- (11) A White Pages directory listing;
- (12) A non-electronic telephone directory;
- (13) A caller identification per call blocking option;
- (14) A caller identification line blocking option that:
  - a. Is available to all customers without a recurring charge;
  - b. Is provided upon customer request without charge to customers who have elected non-published telephone numbers;
  - c. Is available without a non-recurring charge to customers who certify that Caller ID threatens their health or safety; and
  - d. Is available without a non-recurring charge when requested with installation of basic service;
- (15) A blocking option for pay-per-call calls, such as blocking all 900 or all 976 calls;

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(16) The ability to report service problems to the customer's basic service provider on a 24 hour basis, 7 days a week; and

(17) Automatic Number Identification (ANI) to other carriers.

(b) ILECs and CLECs shall perform the following duties as part of the TRS service:

(1) ILECs and CLECs shall collect TRS charges in the amount ordered by the commission in monthly basic service charges;

(2) ILECs and CLECs shall remit the TRS charges as follows:

a. On or before the 20th day of each month, the amount collected shall be remitted to the TRS trustee account designated by the commission; and

b. Included with the remittance described in (1) above, shall be a statement showing the number of access lines assessed the TRS charge; and

(3) ILECs and CLECs shall provide the New Hampshire relay provider with all information necessary to ensure local calls placed through the TRS are not billed as toll calls.

(c) ILECs and CLECs shall collect the E911 surcharge, as ordered by the commission, which shall be remitted to the bureau of emergency communications or its successor agency, currently located at 10 Hazen Drive, Concord, New Hampshire, 03305.

Source. #6392, eff 12-4-96

Puc 1306.02 Terms of Providing Basic Service.

(a) ILECs and CLECs shall make basic service available to all customers within their franchise area.

(b) CLECs shall solicit business subject to the following requirements:

(1) Prospective customers shall be given information reasonably necessary for the customer to make an informed choice, including but not limited to:

a. Current rates;

b. Whether or not the customer shall be required to change his/her current presubscribed toll provider because the current presubscribed toll provider is unavailable to the CLEC;

c. Length of service period required; and

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- (2) Written solicitations shall be legible and printed in a type size no less than 10 points.
- (c) Amended maps, based upon US Geological Survey maps, shall be filed with the commission as follows:
  - (1) By CLECs and ILECs 30 days prior to reducing the CLEC's or ILEC's geographic service area;
  - (2) By CLECs one day prior to expanding the CLEC's geographic service area; and
  - (3) By ILECs 30 days prior to altering the ILEC's geographic service area pursuant to RSA 374:22-e.
- (d) CLECs may satisfy the requirement in (c) above by filing amended versions of the pertinent ILEC map on file with the commission.
- (e) An ILEC which seeks to provide basic service in a particular area that another ILEC is authorized to serve shall obtain commission approval as a CLEC under Puc 1304.
- (f) CLECs shall file amended rate schedules for price changes pursuant to Puc 1307.04 and for new services, including the name, a description, and the price of each service.

Source. #6392, eff 12-4-96

### PART Puc 1307 PRICING

#### Puc 1307.01 Tariff Requirements and Rate Schedules.

- (a) ILECs shall file the following with the commission:
  - (1) Tariffs describing all tariffed services, including rates, terms and conditions of each service; and
  - (2) All agreements for interconnection, service, or network elements entered into pursuant to the Telecommunications Act of 1996 which, upon approval by the commission, shall constitute tariffs available to requesting telecommunications carriers.
- (b) CLECs shall file the following with the commission:
  - (1) Rate schedules consisting of the following for each service offered:
    - a. Name;
    - b. A brief description; and
    - c. Price.



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(c) CLECs may, in addition to the rate schedules required by (b) above, incorporate by reference the model tariff approved by the commission in docket DR 97-253 in order number 23,063.

(d) A CLEC which elects to incorporate by reference the model tariff referred to in (c) above shall not file with the commission the actual text of the model tariff but shall simply adopt its terms by notifying the commission in writing of its election to do so.

(e) The text of any model tariff which any CLEC has filed with the commission prior to the effective date of the revision of this paragraph which first allows the incorporation by reference of the model tariff, referred to in (c) above, and which purports to be the model tariff, shall be construed to be consistent with and identical in all respects with the aforesaid model tariff.

(f) A CLEC which adopts or incorporates by reference the model tariff shall not alter or rearrange the content of the approved model tariff in any way.

(g) Any tariff previously filed which purports to alter or rearrange the language or the content of the model tariff shall be construed to be consistent with and identical to in all respects the model tariff.

(h) Any CLEC adopting by reference the model tariff shall file rate schedules in addition to adopting the model tariff.

(i) As an alternative to filing a model tariff, a CLEC may file rate schedules only, which shall not include any terms or conditions or limitations of liability.

Source. #6392, eff 12-4-96; ss by #7283, eff 5-23-00

### Puc 1307.02 Resale Requirements.

(a) All ILEC services shall be available for purchase for resale by other telecommunications carriers, limited by (b) below.

(b) The following restrictions on resale of retail services apply:

(1) An ILEC may prohibit a CLEC from offering, as resold services to non-residential customers, telecommunications services that the ILEC makes available only to residential customers or to a limited class of residential customers; and

(2) An ILEC shall not be required to apply a wholesale discount to special promotional rates that will be in effect for no more than 90 days, pursuant to the Telecommunications Act of 1996.

(c) The commission shall determine just and reasonable wholesale prices pursuant to the Telecommunications Act of 1996.

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(d) A CLEC which purchases wholesale services may purchase unbundled elements in accordance with the Telecommunications Act of 1996.

(e) If an ILEC which desires to make a telecommunications service available only to a limited group of customers that have purchased such a service in the past, in effect grandfathering the service, the ILEC shall:

- (1) Demonstrate to the commission that the action is not anti-competitive; and
- (2) Make the service available at wholesale rates to requesting carriers to offer on a resale basis to the same limited group of customers.

Source. #6392, eff 12-4-96

Puc 1307.03 Basis of Pricing for Interconnection, Unbundling and Resale.

- (a) Pricing for interconnection, unbundling, and resale shall be non-discriminatory.
- (b) Pricing for interconnection, unbundling, and resale shall be pursuant to the Telecommunications Act of 1996.

Source. #6392, eff 12-4-96

Puc 1307.04 Price Changes.

- (a) ILECs and CLECs shall notify the commission in writing of any proposed price changes.
- (b) Price changes that constitute a price decrease shall be effective one day after the ILEC or CLEC notifies the commission of the decrease.
- (c) ILECs shall file price increases with the commission pursuant to Puc 1600 or pursuant to any alternative regulation plan approved by the commission.
- (d) ILECs shall notify CLECs of a price increase 30 days prior to the effective date of the increase.
- (e) CLECs shall file price increases with the commission prior to the effective date of the price increase.
- (f) Prior to the effective date of price increases CLECs shall notify all customers of the increase in the following manner:
  - (1) By direct separate mailing; or
  - (2) By bill insert.

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(g) Customers of ILECs and CLECs shall be given an opportunity to terminate the relevant service prior to the effective date of the price increase.

Source. #6392, eff 12-4-96

### PART Puc 1308 REPORTS AND RECORDS

#### Puc 1308.01 Business Reports.

(a) With the exception of ILECs with fewer than 25,000 access lines, commencing in 1998 CLECs and ILECs shall file with the commission no later than March 31 of each year a listing of the number of retail access lines by municipality, classified by residential and business lines. ILECs and CLECs shall include this information as part of their annual reports filed with the commission.

(b) Commencing in 1988, ILECs with fewer than 25,000 access lines shall file with the commission no later than March 31 of each year a listing of the number of retail access lines by municipality.

(c) CLECS shall file with the commission no later than March 31 of each year a listing of each type of telecommunications service provided, including for each type of service:

- (1) The number and classification of subscribers;
- (2) The applicable rates for each classification; and
- (3) The total revenues.

(d) CLECs shall file with the commission an annual report in a form supplied by the commission, providing, at a minimum, the following information:

- (1) A statement of income which:
  - a. Is specific to New Hampshire; and
  - b. Reflects operating results in New Hampshire;
- (2) A statement of revenues, specific to New Hampshire, which includes separate figures for each of the following sources:
  - a. Intrastate toll revenue;
  - b. Basic service revenue;
  - c. Access revenue;

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d. Miscellaneous revenue; and

e. Total operating revenues.

(e) The annual report required in (c) above shall be filed no later than March 31 of each year.

(f) ILECs shall file all reports required by Puc 400.

(g) CLECs and ILECs which seek confidential treatment of any of the reports required by this section shall do so pursuant to Puc 204.05 and Puc 204.06.

Source. #6392, eff 12-4-96

Puc 1308.02 Stockholders Annual Report.

(a) CLECs shall file with the commission no later than March 31 of each year a stockholders annual report for the CLEC, if available, and for the parent company, if any.

(b) CLECs shall attach the federal Securities and Exchange Commission Form 10-K to the stockholders annual report.

(c) If no stockholders annual report is available, a report of independent auditors, if available, shall be substituted.

Source. #6392, eff 12-4-96

Puc 1308.03 Reports on Short Term Debt.

(a) Except as provided in (c) below, CLECs shall not be required to obtain prior commission approval pursuant to RSA 369:7 prior to issuing or renewing short term debt.

(b) For purposes of this section, short term debt means evidences of indebtedness payable less than 12 months after the date thereof.

(c) ILECs or ILEC affiliates who are CLECs shall continue to be subject to Puc 406.04.

Source. #6392, eff 12-4-96

Puc 1308.04 Reports on Quality of Service.

(a) CLECs and ILECs shall file with the commission, for public availability, the following information on a calendar year basis:

(1) The average number of days between date of request for service and installation of service;

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- (2) The percentage of installation appointments which the CLEC or ILEC failed to keep;
- (3) The average answer time to connect caller to repair service operator;
- (4) The percentage of calls to a repair number that are abandoned;
- (5) The percentage of service outages lasting longer than 24 hours;
- (6) The average length of repair time, which means the time elapsing from the time trouble is reported until the time trouble is cleared; and
- (7) The percentage of repair appointments which the reporting CLEC or ILEC failed to keep.

(b) CLECs and ILECs may file with the commission, in addition to the information listed in (a) above, information as to the average number of days between the customer-requested date for installation of service and the actual date of installation.

(c) The report required by (a) above shall be filed on or before March 31st of each year.

(d) CLECs and ILECs shall report to the commission those service outages which:

- (1) Affect an entire exchange;
- (2) Affect 250 or more of the CLEC's or ILEC's access lines and last more than 30 minutes; or
- (3) Affect 5000 or more of the CLEC's or ILEC's access lines.

(e) CLECs and ILECs shall report to the commission service outages, which meet the requirements in (c) above, within the following time frames:

- (1) For outages which occur between 7:00 a.m. and 4:30 p.m. during normal business hours, Monday through Friday, within 60 minutes of occurrence; and
- (2) For outages which occur during non-business hours, by 9:00 a.m. on the business day following the outage.

(f) CLECs and ILECs shall report other service outages which the CLEC or ILEC determines to be significant.

(g) ILECs shall report monthly those service installation orders from CLECs which the ILEC did not complete within 30 days.

Source. #6392, eff 12-4-96

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### Puc 1308.05 Preservation of Records.

- (a) CLECs shall preserve all records required by this part for a period of 2 years.
- (b) Records shall be open for examination by the commission during business hours.

Source. #6392, eff 12-4-96

## PART Puc 1309 INTERCOMPANY COOPERATION

### Puc 1309.01 Affirmative Obligations.

- (a) In a nondiscriminatory manner, CLECs and ILECs shall:
  - (1) Accept and respond to repair orders and installation orders without regard to whether the service is being resold or not;
  - (2) Provide answer and disconnect supervision in accordance with industry standards;
  - (3) Provide billing and collection services for casual calling;
  - (4) Exchange data necessary for billing and collection;
  - (5) Complete the following kinds of calls unless screened or blocked at the customer's request:
    - a. Collect calls;
    - b. Third party calls; and
  - (6) Provide reasonable access to maintain and update the following databases:
    - a. Directory assistance;
    - b. Automated Number Identification and Automated Line Identification in the E911 database;
    - c. The toll-free 800 database;
    - d. The Line Information Database (LIDB);
    - e. Advanced Intelligent Network, when installed and operational; and
    - f. Other databases necessary for the provision of ubiquitous service.

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- (7) Provide reasonable access to all signalling information pursuant to industry protocols;
  - (8) Not interfere with the transmission of signalling information;
  - (9) Provide access to operator services pursuant to the Telecommunications Act of 1996;
  - (10) Protect Customer Proprietary Network Information (CPNI) according to FCC regulations, at a minimum;
  - (11) Provide reasonable access to information necessary to publish telephone directories;
  - (12) Permit an ILEC or a CLEC to list its customers' telephone numbers in the ILEC or CLEC's published white and yellow pages telephone directory or directories;
  - (13) Provide or continue to provide any type or kind of telephone directory listing or advertisement, in either the white or yellow pages, to a customer despite that customer's choice to take service from a competitor;
  - (14) Insure that trouble reports are directed to the correct carrier or carriers;
  - (15) Refrain from marketing or otherwise initiating communications to retain or obtain a customer for whom the CLEC or ILEC has received an order to transfer, change or install the customer's service for the following period of time:
    - a. The time from receiving the order until 7 days from completing the execution of the order.
  - (16) Communicate, on a demand and preventative basis, information regarding maintenance necessary to insure successful call completion;
  - (17) Rectify any customer troubles in a prompt manner;
  - (18) Provide access to any pole, duct, conduit, or right of way owned or controlled by the ILEC or CLEC in accordance with the Telecommunications Act of 1996; and
  - (19) Provide other elements of cooperation necessary to produce a ubiquitous, seamless, transparent telecommunications network in New Hampshire.
- (b) For the purpose of (a)(19), a seamless telecommunications network means one in which customers do not perceive any transition from one carrier to the next.

Source. #6392, eff 12-4-96

Puc 1309.02 Good Faith Negotiations. In establishing terms and conditions for the provision of Puc 1309.01 (1) through (19), CLECs and ILECs shall negotiate in good faith.

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Source. #6392, eff 12-4-96

Puc 1309.03 Publication of Telephone Numbers. ILECs and CLECs shall not publish or list numbers for which CLECs or ILECs request non-directory listed or non-published status.

Source. #6392, eff 12-4-96

### PART Puc 1310 NUMBER PORTABILITY

Puc 1310.01 Mandatory Nature of Number Portability.

(a) ILECs and CLECs shall provide interim number portability until number portability is technically feasible pursuant to the Telecommunications Act of 1996.

(b) ILECs and CLECs shall provide number portability as soon as it is technically feasible pursuant to the Telecommunications Act of 1996.

Source. #6392, eff 12-4-96

Puc 1310.02 Numbering Administration.

(a) Telecommunications numbering shall be available on a non-discriminatory basis.

(b) In implementing number portability a CLEC or ILEC shall release a customer's number without delay or consideration of any issue such as the customer's account balance.

(c) Numbering administration shall be provided on a competitively neutral basis.

Source. #6392, eff 12-4-96

Puc 1310.03 Exit Fees. ILECs and CLECs shall not charge retail customers any exit fees, excluding contractual obligations.

Source. #6392, eff 12-4-96

Puc 1310.04 Interim Number Portability.

(a) Remote call forwarding and direct inward dialing, as well as other available methods which may be used to implement interim number portability, shall be offered as follows:

(1) By ILECs under a tariff; and

(2) By CLECs under a rate schedule.



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(b) The tariffs and rate schedules required by (a) above shall be filed with the commission as follows:

- (1) By NYNEX no later than 90 days from the effective date of this chapter;
- (2) By other ILECs, no later than 90 days from receipt of a CLEC request for number portability;  
and
- (3) By CLECs, the later of:
  - a. 10 days prior to commencing services; or
  - b. 90 days from the effective date of this chapter.

Source. #6392, eff 12-4-96

### PART Puc 1311 UNBUNDLING

#### Puc 1311.01 Amount and Method Required.

(a) ILECs shall provide requesting telecommunications carriers nondiscriminatory access to the network elements contained in Puc 1311.01(b) below.

(b) Unless exempted from the obligation in (a) above, pursuant to Puc 1301.02, an ILEC shall tariff and make available the following network elements:

- (1) The local loop;
- (2) The Network Interface Device, which means a cross-connect device used to connect loop facilities to inside wiring;
- (3) The local and tandem switching capability elements as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(c), including the current software generic;
- (4) Interoffice Transmission Facilities as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(d);
- (5) Signaling Networks and Call-related databases as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(e);
- (6) Operations Support Systems Functions as defined and described in Part 51 of the Code of Federal Regulations, Section 51.319(f); and
- (7) Operator Services and Directory Assistance where technically feasible.

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(c) The time frame for tariffing and making available the network elements listed in (b) above shall be 90 days from the effective date of this chapter.

(d) The terms and prices for unbundled network elements shall be offered on a non-discriminatory basis.

Source. #6392, eff 12-4-96

Puc 1311.02 Additional Requests.

(a) A CLEC may submit a request for an unbundled network element not listed in Puc 1311.01 (b) above, which is technically capable of being unbundled, pursuant to (b) below.

(b) A request for an unbundled network element not listed in Puc 1311.01(b) shall:

(1) Be submitted in writing; and

(2) Include a technical description of the network element.

(c) If an ILEC denies a request, the ILEC denying the request shall provide to the requesting CLEC a written specific explanation of why it is technically infeasible to grant or otherwise lawful to deny the request.

(d) An ILEC's denial and explanation of the denial pursuant to (c) above shall be issued to the requesting CLEC within 30 days of the ILEC's receipt of the request.

(e) If an ILEC does not deny the request, the ILEC shall provide to the requesting CLEC a price quote which shall include, at a minimum, the following:

(1) A description of each network element;

(2) The applicable rates; and

(3) The installation intervals.

(f) An ILEC shall provide the information required in (e) above within 120 days of the ILEC's receipt of the request.

(g) A CLEC whose request made pursuant to (b) above is denied may petition the commission for a hearing as to whether the denial should be reversed pursuant to (h) below.

(h) The commission shall permit an ILEC's denial if the commission concludes that:

(1) The requested network element is proprietary or contains proprietary information that will be revealed if the network element is unbundled; and

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- (2) The requesting CLEC could offer the same proposed service through the use of other, nonproprietary unbundled network elements.

Source. #6392, eff 12-4-96

### PART Puc 1312 INTERCONNECTION

#### Puc 1312.01 Duty to Provide Interconnection.

(a) Unless exempted under the Telecommunications Act of 1996, ILECs shall provide non-discriminatory interconnection at technically feasible points within the ILEC's network including, at a minimum:

- (1) The line-side of a local switch;
- (2) The trunk-side of a local switch;
- (3) The trunk interconnection points for a tandem switch;
- (4) Central office cross-connect points;
- (5) Out-of-band-signaling transfer points necessary to exchange traffic at these points and access call-related databases; and
- (6) Points of access to unbundled network elements as described in Puc 1311.01(b) above.

(b) An ILEC or CLEC shall not require physical collocation to achieve interconnection.

(c) The interconnection provided by ILECs shall have a level of quality that is equal to that which the ILEC provides itself, pursuant to 47 C.F.R. 51.305(3) and 51.305(4).

(d) The terms and conditions by which interconnection is provided by ILECs shall be in accord with the requirements of the Telecommunications Act of 1996, including, but not limited to:

- (1) Offering such terms and conditions equally to all requesting CLECs; and
- (2) Offering terms and conditions that are no less favorable than the terms and conditions the ILEC provides to itself.

Source. #6392, eff 12-4-96

#### Puc 1312.02 Tariffs.

(a) Unless exempted from the obligation pursuant to the Telecommunications Act of 1996, ILECs shall file interconnection tariffs for at least the points of interconnection listed in Puc 1312.01(a).

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Source. #6392, eff 12-4-96

Puc 1312.03 Standards.

(a) CLECs and ILECs shall provide citations to necessary technical references to CLECs or ILECs who interconnect or seek to interconnect.

(b) Network changes affecting interconnection made by ILECs or CLECs shall be backwards compatible for three years from the introduction of the upgrade.

(c) At least 6 months prior to network changes affecting interconnection, ILECs and CLECs shall make available to other ILECs and CLECs necessary information relating to network design and technical standards, and information concerning changes to the network that affect interconnection.

(d) Telecommunications facilities shall be constructed and maintained in accordance with the National Electrical Safety Code (1997 Edition) and the National Electrical Code (1996 Edition) .

(e) The cost and timely correction of violations of the National Electrical Safety Code and the National Electrical Code, existing prior to a CLEC's request to access poles, ducts, conduits, or rights of way, shall not be the responsibility of the CLEC.

Source. #6392, eff 12-4-96

Puc 1312.04 Additional Requests.

(a) A CLEC may submit a request for interconnection at a technically feasible point not listed in Puc 1312.01(a).

(b) A CLEC whose request for interconnection at a point not listed in Puc 1312.01(a) above is denied by an ILEC may petition the commission for a hearing as to whether the denial should be reversed.

(c) The commission shall reverse an ILEC's denial of a CLECs request for interconnection at a point not listed in Puc 1312.01(a) unless the ILEC proves that interconnection at that point is not technically feasible.

(d) Technical feasibility for interconnection at a particular point shall constitute substantial evidence where previous successful interconnection has occurred at the particular point using particular facilities, or at substantially similar points in networks employing substantially similar facilities.

Source. #6392, eff 12-4-96

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Appendix

Provision of the Proposed Rule	Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement
Puc 1304.03(g)(1) e.-h.,o.	RSA 365:8,XII; 374:22,f-g,; 47 USC 151, et seq.
Puc 1304.03(e),(f)	RSA 365:8,XII, 369:8, 374:22f-g; 47 USC 151, et seq.
Puc 1307.01	RSA 365:8,V, 365:8,XII, 374:22f-g, 378:1; 47 USC 151, et seq.